

**ANNUAL REPORT OF THE
COMMITTEE ON CRIMINAL LAW AND PROBATION ADMINISTRATION
TO THE ILLINOIS JUDICIAL CONFERENCE**

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I. STATEMENT ON COMMITTEE CONTINUATION

The Committee on Criminal Law and Probation Administration ("Committee") is charged with providing recommendations regarding the administration of criminal justice and the probation system. The Committee believes the Judicial Conference should maintain a committee to focus on these issues during the coming Conference year.

The Committee is working on a number of significant issues of a continuing nature, including:

- a study of youthful offender programs and other sentencing alternatives;
- monitoring the work of the Governor's Criminal Code Rewrite and Reform Commission;
- a comprehensive review of probation programs and practices;
- review of proposals to amend Supreme Court Rules governing criminal cases.

Given the importance of these tasks, the Committee requests that it be continued in the coming Conference year.

II. SUMMARY OF COMMITTEE ACTIVITIES

A. Proposed Changes to Supreme Court Rule 434(b). The Committee is proposing an amendment to Supreme Court Rule 434(b) to clarify that the addresses of prospective jurors should not be disclosed unless non-disclosure would cause substantial prejudice to a party. The Supreme Court referred this issue to the Committee in response to a letter from Chief Judge Grant S. Wegner of the 16th Judicial Circuit, in which Judge Wegner stated that the release of names and addresses of prospective jurors is alarming to the public and potentially disruptive in gang-related cases. Judge Wegner noted that the decisions in *People v. Partee*, 157 Ill.App.3d 231, 259-60 (1st Dist., 1987) and *People v. Robinson*, 250 Ill.App.3d 824, 831-32 (2nd Dist., 1993) appeared to make disclosure of jurors' addresses permissive.

The Committee generally agreed that existing case law provides trial judges with authority to withhold jurors' addresses; however, a subcommittee was formed to study the matter. The subcommittee determined that it would be helpful to amend Rule 434(b) to clarify that jurors' addresses should not be routinely disclosed. The existing language of Rule 434(b) provides that: "Upon request the parties shall be furnished with a list of prospective jurors with their addresses if known."

The subcommittee prepared a draft amendment to Rule 434(b) with proposed committee comments. The proposed amendment would change the emphasis of Rule 434(b) to provide that prospective jurors' addresses shall not be disclosed unless there is a legitimate basis for the disclosure. The Committee unanimously adopted the proposal drafted by the subcommittee. The Committee's proposal (Attachment 1) has been forwarded to Chief Justice Harrison.

The Committee also considered the use of anonymous juries. Anonymous juries are used

rarely, if at all, in Illinois courts. The subcommittee found, however, that anonymous juries are accepted and frequently used in the federal system. See *United States v. Brown*, 250 F.3d 907, 917 (5th Cir., 2001) (“ . . . Anonymity protects, in addition to the jurors, the venire persons and the jurors’ families from influence exerted by outside parties . . . use of an anonymous jury is constitutional when, ‘there is strong reason to believe the jury needs protections’ . . .”). In light of existing case law permitting trial judges to use anonymous juries in appropriate cases, the Committee determined that it would not be necessary to recommend adoption of a rule to address the issue.

B. Proposed Supreme Court Rule 402A - Revocation Proceedings. In *People v. Hall*, 198 Ill.2d 173 (2001), the Supreme Court specified the requirements of due process in the context of a probation revocation proceeding in which the defendant admits a violation. *Hall* held that, before a defendant admits to a probation violation, the court must provide specific admonishments regarding the nature of the proceedings and the rights the defendant is waiving by admitting the violation, and must find that the defendant understands his rights and that the admission is voluntary. 198 Ill.2d at 181. *Hall* also requires the trial court to ascertain that there is a factual basis for the defendant’s admission. *Id.* After reviewing the *Hall* opinion, the Committee decided that a rule setting out the required procedures for accepting an admission to a probation violation would be useful to the trial courts.

The Committee’s proposal (Attachment 2) would create a new Rule 402A. The admonishments included in proposed Rule 402A follow the language of the *Hall* case, and are specific to revocation proceedings. The Committee considered the possibility of addressing the issue with an amendment to the similar provisions of Supreme Court Rule 402 (guilty pleas), but decided to propose a separate rule for the sake of clarity and convenience. The Committee’s proposal incorporates portions of Rule 402 by reference (provisions concerning plea negotiations, and transcript requirement for felony cases).

The Committee’s proposal covers proceedings involving stipulations to evidence sufficient to support revocation as well as proceedings involving a direct admission. Proposed Rule 402A is also applicable to proceedings to revoke conditional discharge and court supervision, which by statute are nearly identical to proceedings to revoke probation and call to mind similar due process considerations. See 730 ILCS 5/5-6-4 (Violation, Modification or Revocation of Probation, of Conditional Discharge or Supervision or of a sentence of county impact incarceration - Hearing); 730 ILCS 5/5-6-4.1 (Violation, Modification or Revocation of Conditional Discharge or Supervision - Hearing).

The Committee’s proposal to add Rule 402A has been forwarded to the Supreme Court Rules Committee for further consideration.

C. Informants - Proposal to Revise IPI Criminal No. 3.17. During the Conference year, the Committee considered the question of informant testimony in criminal trials. In recent years,

the use of informants in criminal trials has received a great deal of publicity, often negative. The only firm consensus within the Committee has been that testimony by jailhouse informants and other informants who testify for personal advantage carries an inherent risk of unreliability. In prior years, Committee members have generally, though not unanimously, agreed that proper pre-trial disclosure, vigorous cross-examination and the general IPI Criminal instruction on credibility were adequate to ensure that a jury would be able to properly evaluate informant testimony.

The Committee reconsidered its position on informant testimony during the current Conference year. Committee members agreed that juries could benefit from a specific, concise instruction that informant testimony must be viewed with caution. The Committee found that a cautionary instruction based on the instruction on accomplice testimony would properly inform the jury without overemphasizing the issue. A draft amendment to the accomplice testimony instruction, IPI Criminal No. 3.17, with associated Committee comments, was prepared and unanimously approved by the Committee. The Committee's proposal to amend IPI Criminal No. 3.17 (Attachment 3) was forwarded to the Supreme Court's IPI Criminal Committee for further consideration.

The Committee notes the General Assembly has considered several bills to limit the use of informant testimony. In its most recent session, the General Assembly considered House Bill 1844, which would have required a pretrial hearing on the admissibility of informant testimony, and Senate Bill 1774, which would have barred the use of informant testimony in capital cases.

D. Youthful Offender Programs. The Committee has expressed its support for the adoption of specific programs to address youthful offenders in past Conference years. During the 2002 Conference year, a subcommittee was formed to gather information on the subject. The subcommittee reported that information on the availability and efficacy of alternative sentencing programs for youths was somewhat difficult to obtain. To address this problem, the subcommittee prepared a preliminary report (Attachment 4), which provides an excellent overview of existing alternative sentencing programs for youthful offenders. The subcommittee's preliminary findings are that sentencing program for youthful offenders must include several key components: 1) close supervision of the offender, including contacts with the offender's parents, school teachers and others who have an impact on the offender's daily life when appropriate; 2) teaching and training aimed at improving the offender's academic, life and work skills; and 3) close coordination with rehabilitation and other social service providers. The subcommittee also reported that intermediate administrative sanctions can play an important part in an effective youthful offender sentencing program. Current programs that incorporate these concepts include intensive probation, day reporting, and boot camp.

The subcommittee also noted that continuing support for offenders who have completed a program would contribute to the long-term success of alternative sentencing. The subcommittee's preliminary finding was that supervision and support tends to drop off abruptly

when the youth completes a program. The subcommittee felt that ongoing support could significantly improve the chances of reducing recidivism.

The subcommittee is also studying sentencing options that will allow a person who completes a youthful offender program to maintain a clean record. The Committee continues to believe that the opportunity to maintain a clean record would be a significant incentive for participants in a youthful offender program, and that the stigma and disabilities associated with a conviction may be a disservice to the individual and the community in the case of a youthful, first-time offender. Alternatives for a sentencing plan include deferred prosecution, an expanded version of court supervision that would apply to lesser felonies and would allow imposition of broader and more rigorous conditions, and expanded opportunities for expungement of criminal records. The subcommittee is reviewing programs in other jurisdictions with a view toward developing the specifics of a specialized sentencing plan for youthful offenders, including criteria for determining eligibility for sentencing under the plan.

E. Criminal Law Revisions. One of the goals of the Committee during the Conference year was to monitor the progress of the Criminal Code Rewrite and Reform Commission ("CCRRC") established by Governor Ryan in May 2000, and provide assistance to the CCRRC as requested. Unfortunately, the Committee is advised that the CCRRC made very limited progress during the current Conference year.

The Committee continues to support revision of Illinois criminal law statutes to simplify and clarify existing law, to provide trial courts with a range of effective sentencing options, and to provide trial judges with the discretion essential to a fair and effective system of criminal justice.

F. Consecutive and Concurrent Sentences. The statute governing concurrent and consecutive sentences, 730 ILCS 5/5-8-4, has generated a significant number of appellate issues over the years. The Committee believes that the statutory language on consecutive and concurrent sentencing should be revised by the legislature to clarify the circumstances in which sentences for multiple offenses must be served consecutively or concurrently.

A bill to make non-substantive changes to clarify section 5-8-4 of the Unified Code of Corrections was introduced in the General Assembly in February 2002 (House Bill 5012, Attachment 5). The bill did not pass, but the Committee notes that the changes proposed would make section 5-8-4 much easier to read and understand. The Committee believes clarification of section 5-8-4 would benefit the trial judges, attorneys and the public, and should be pursued by the legislature.

G. Probation Administration. The Committee began a comprehensive review of probation issues during the current Conference year. Michael J. Bacula of the Cook County Probation Department provided the Committee with an excellent overview of the probation programs available in Cook County, and issues currently facing probation departments. Michael Tardy of the Administrative Office of the Illinois Courts also spoke to the Committee and provided

information on statewide trends. This information was very useful to the Committee in identifying specific issues for study.

In light of the sheer scope of the subject matter the Committee decided to form subcommittees to study various topics relating to probation, including: foundation issues (i.e., funding and staffing), domestic violence programs, drug offender programs, gang offender programs, mental health issues, sex offender programs, and as noted above, youthful offender programs. The Committee anticipates being able to provide a report on probation in the next Conference year.

H. Trial Issues After *Apprendi*. In its last annual report, the Committee indicated that it would study the trial issues raised by the U.S. Supreme Court's decision in *Apprendi v. New Jersey*, 530 U.S. 466, 120 S.Ct. 2348, 147 L.Ed.2d 435 (2000). Given the continuing developments in the law in the aftermath of *Apprendi*, the Committee determined that the potential trial issues that were identified are not capable of being properly addressed until case law clarifies the full scope of the *Apprendi* decision. Accordingly, the Committee deferred action on this matter.

I. Legislative Activity on Funding for the Criminal Justice System. During the last Conference year, the Committee reported that the General Assembly was considering a bill to establish State-supported minimum salaries for full-time public defenders. A second bill under consideration would have provided assistant prosecutors and assistant public defenders with state stipends aimed at improving retention of experienced attorneys.

House Bill 549, which provides State funding for two-thirds of the salary of a full-time public defender who is paid at least 90% of the salary of the state's attorney in the county, became effective on July 1, 2002 (P.A. 92-508). Unfortunately, the bill was not funded.

The bill dealing with stipends, House Bill 3563, was passed by the House in the General Assembly's Spring 2002 session, but did not pass the Senate.

The Committee continues to support legislative efforts to improve funding for the criminal justice system.

J. John Doe Warrants. During the current Conference year the Committee considered the use of John Doe warrants; i.e., warrants identifying the defendant by genome in place of name and other identifiers. Filing a John Doe warrant would theoretically stop the running of the statute of limitations for an offense in a case where the offender's name is unknown, but DNA evidence is available to provide an identification. At least one Wisconsin court has actually issued a John Doe warrant in a sexual assault case. The Committee found no specific provision in Illinois statutory law authorizing the use of John Doe warrants in sexual assault cases.

The General Assembly addressed this issue during its Spring 2002 session with a bill amending section 3-5 of the Criminal Code of 1961 to provide that an offense involving sexual conduct or sexual penetration may be commenced at any time if: 1) DNA identification of the offender is obtained and placed in a DNA database within 10 years of the offense; 2) the identity

of the offender is unknown after diligent investigation by law enforcement; and 3) the offense was reported to law enforcement by the victim within two years after its commission (unless section 3-6 provides a longer reporting period). House Bill 5578 passed in the General Assembly and has been signed by the Governor. P.A. 92-752, effective August 2, 2002.

Given the action taken by the General Assembly, the Committee concluded that no action was necessary.

K. Governor's Commission on Capital Punishment. The Report of the Governor's Commission on Capital Punishment (April 2002) contains a number of recommendations that may have significance for non-capital cases. The Report will be reviewed to determine whether any of the recommendations would be appropriate for formal consideration by the Committee.

III. PROPOSED COMMITTEE ACTIVITIES FOR THE NEXT CONFERENCE YEAR

During the next Conference year, the Committee intends to continue its work on youthful offender programs, and its review of probation programs and practices. The Committee will continue to monitor the effort to redraft Illinois' criminal laws, and will provide assistance to the Governor's Commission upon request. The Committee will also continue to review the existing Supreme Court Rules on criminal cases, and consider new and pending proposals to amend the Rules.

IV. RECOMMENDATIONS

The Committee is making no recommendations to the Conference at this time.

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ATTACHMENT 1

PROPOSED AMENDMENT - RULE 434(b)**Rule 434. Jury Selection**

(a) Impaneling Juries. In criminal cases the parties shall pass upon and accept the jury in panels of four, commencing with the State, unless the court, in its discretion, directs otherwise, and alternate jurors shall be passed upon separately.

(b) Names and Addresses of Prospective Jurors. Upon request, the parties shall be furnished with a list of prospective jurors ~~with their addresses, if known.~~ Addresses of prospective jurors shall not be disclosed unless it is clearly shown that non-disclosure would substantially prejudice a party to the proceedings.

(c) Challenging Prospective Jurors for Cause. Each party may challenge jurors for cause. If a prospective juror has a physical impairment, the court shall consider such prospective juror's ability to perceive and appreciate the evidence when considering a challenge for cause.

(d) Peremptory Challenges. A defendant tried alone shall be allowed 14 peremptory challenges in a capital case, 7 in a case in which the punishment may be imprisonment in the penitentiary, and 5 in all other cases; except that, in a single trial of more than one defendant, each defendant shall be allowed 8 peremptory challenges in a capital case, 5 in a case in which the punishment may be imprisonment in the penitentiary, and 3 in all other cases. If several charges against a defendant or defendants are consolidated for trial, each defendant shall be allowed peremptory challenges upon one charge only, which single charge shall be the charge against that defendant authorizing the greatest maximum penalty. The State shall be allowed the same number of peremptory challenges as all of the defendants.

(e) Selection of Alternate Jurors. After the jury is impaneled and sworn the court may direct the selection of alternate jurors, who shall take the same oath as the regular jurors. Each party shall have

one additional peremptory challenge for each alternate juror. If before the final submission of a cause a member of the jury dies or is discharged he shall be replaced by an alternate juror in the order of election.

Committee Comments

Supreme Court Rule 434(b) originally provided that upon request, the parties shall be furnished with a list of prospective jurors with their addresses if known. Under that practice, judges presiding over high-profile cases and gang-related prosecutions found that disclosure of prospective jurors' addresses was both alarming to the venire persons and potentially disruptive to those actually selected to serve. Actual cases of juror harassment have been reported, particularly in gang-related cases.

In *People v. Partee*, 157 Ill.App.3d 231 (1st Dist., 1987) and *People v. Robinson*, 250 Ill.App.3d 824 (2nd Dist. 1993), the appellate court held that disclosure of jurors' addresses is permissive. Also, in the legislative counterpart to Rule 434, the committee comments note that the provision for disclosure of addresses is for the convenience of the parties. (Smith-Hurd Illinois Compiled Statutes Annotated, 725 ILCS 5/115-4, p.15). Additionally, many judges employ generic terminology in identifying a prospective juror's residence and routinely instruct counsel to adhere to that practice where attorney *voir dire* is practiced.

Amended Rule 434(b) extends this practice and limits disclosure of prospective jurors' addresses to situations where non-disclosure would cause substantial prejudice to a party to the proceeding. Absent any legitimate basis for disclosure of this information, the residence addresses of prospective jurors should not be placed of record in criminal prosecutions.

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ATTACHMENT 2

PROPOSED RULE 402A**Rule 402A. Admissions or Stipulations in Proceedings to Revoke Probation, Conditional Discharge or Supervision.**

In proceedings to revoke probation, conditional discharge or supervision in which the defendant admits to a violation of probation, conditional discharge or supervision, or offers to stipulate that the evidence is sufficient to revoke probation, conditional discharge or supervision, there must be substantial compliance with the following:

(A) *Admonitions to Defendant.* The court shall not accept an admission to a violation, or a stipulation that the evidence is sufficient to revoke, without first addressing the defendant personally in open court, and informing the defendant of and determining that the defendant understands the following:

(1) The specific allegations in the petition to revoke probation, conditional discharge or supervision;

(2) That the defendant has the right to a hearing with defense counsel present, and the right to appointed counsel if the defendant is indigent and the underlying offense is punishable by imprisonment;

(3) That at the hearing, the defendant has the right to confront and cross-examine adverse witnesses and to present witnesses and evidence in his or her behalf;

(4) That at the hearing, the State must prove the alleged violation by a preponderance of the evidence;

(5) That by admitting to a violation, or by stipulating that the evidence is sufficient to revoke, there will not be a hearing on the petition to revoke probation, conditional discharge or supervision, so that by admitting to a violation, or by stipulating that the evidence is sufficient to revoke, the defendant waives the right to a hearing and the right to confront and cross-examine adverse witnesses, and the right to present witnesses and

evidence in his or her behalf; and

(6) The sentencing range for the underlying offense for which the defendant is on probation, conditional discharge or supervision.

(b) *Determining Whether Admission is Voluntary.* The court shall not accept an admission to a violation, or a stipulation sufficient to revoke, without first determining that the defendant's admission is voluntary and not made on the basis of any coercion or promise. If the admission or tendered stipulation is the result of an agreement as to the disposition of the defendant's case, the agreement shall be stated in open court. The court, by questioning the defendant personally in open court, shall confirm the terms of the agreement, or that there is no agreement, and shall determine whether any coercion or promises, apart from an agreement as to the disposition of the defendant's case, were used to obtain the admission.

(c) *Determining Factual Basis for Admission.* The court shall not revoke probation, conditional discharge or supervision, on an admission or a stipulation without first determining that there is a factual basis for the defendant's admission or stipulation.

(d) *Application of Rule 402.* The provisions of Rule 402(d), (e), and (f) shall apply to proceedings on a Petition to Revoke Probation.

Committee Comments

This Rule follows the mandate expressed in *People v. Hall*, 198 Ill. 2d 173, 760 N.E.2d 971 (2001).

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ATTACHMENT 3

PROPOSED AMENDMENT - IPI CRIMINAL NO. 3.17**3.17 Testimony Of An Accomplice Or Informant**

[When a witness says he was involved in the commission of a crime with the defendant,] [or] [if a witness provides evidence against the defendant for (pay) (leniency) (immunity from punishment) (vindication) or any other personal advantage,] the testimony of that witness is subject to suspicion and should be considered by you with caution. It should be carefully examined in light of the other evidence in the case.

[This instruction does not apply to the testimony of an expert witness or law enforcement officer.]

Committee Note

The Committee decided that accomplice testimony represents an area of evidence that requires judicial comment. See *People v. Wilson*, 66 Ill.2d 346, 362 N.E.2d 291, 5 Ill.Dec. 820 (1977). The term "accomplice" was eliminated from the instruction.

In *People v. Rivera*, 166 Ill.2d 279, 292, 652 N.E.2d 307, 313, 209 Ill.Dec. 767, 773 (1995), the Supreme Court held that an accomplice's testimony should be cautiously scrutinized regardless of which side he testifies for. As a result, the Committee now recommends that this instruction be given any time an accomplice testifies.

The appellate court has held that trial counsel renders ineffective assistance of counsel when counsel fails to tender Instruction 3.17 under certain circumstances. *People v. Campbell*, 275 Ill.App.3d 993, 999, 657 N.E.2d 87, 92, 212 Ill.Dec. 392, 397 (5th Dist. 1995). The defendant is entitled to have Instruction

3.17 given to the jury (1) if the witness, rather than the defendant, could have been the person responsible for the crime or (2) if the witness admits being present at the scene of the crime and could have been indicted either as a principal or under a theory of accountability, but denies involvement. See *People v. Montgomery*, 254 Ill.App.3d 782, 790 626 N.E.2d 1254, 1260, 193 Ill.Dec. 703, 709 (1st Dist.1993); *People v. Lewis*, 240 Ill.App.3d 463, 467, 609 N.E.2d 673, 676, 182 Ill.Dec. 139, 142 (1st Dist.1992).

For an example of the use of this instruction, see Sample Set 27.02.

The Committee has decided that informer testimony requires judicial comment for the same reason as accomplice testimony. See *People v. Rees*, 268 Ill. 585, 109 N.E. 473 (1915). It is "fraught with serious weakness such as promise of leniency or immunity." See *People v. Lewis*, 240 Ill. App. 3d 463, 466, 609 N.E.2d 673, 676 (1st Dist.1992). If a witness provides testimony against the defendant for some personal advantage (e.g., plea bargain, immunity, bail consideration, reduction or modification of sentence, favorable recommendation to a judge, amelioration of conditions of incarceration, financial assistance or reward), the Committee recommends that the informer instruction be given. A law enforcement officer who, in the regular course of employment, testifies against the defendant is not an informer. Nor is an expert witness (e.g., a forensic scientist or physician) an informer if the sole benefit he or she receives is financial consideration for the expert services.

The second paragraph shall be given when the instruction is given for the testimony of a witness for pay, leniency, immunity, vindication, or advantage and an expert witness or police officer also testifies at trial.

Use applicable bracketed material.

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ATTACHMENT 4

Alternative Sentencing for Youthful Offenders: A Statutory and Programmatic Analysis

Submitted to:

Illinois Judicial Conference

Committee on Criminal Law & Probation Administration

Submitted by:

Judge Kurt Klein

Judge Vincent M. Gaughan

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June, 2002

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A. Legislation from a National Perspective

A variety of states in the United States have passed legislation related to youthful offenders. As typically seen in many jurisdictions, the original Youthful Offender Act (YOA) in South Carolina provided a sentencing alternative for most young first time offenders with the theory that more rehabilitative treatment would result in a lower recidivism rate.¹ See Appendix A for a sample of statutes passed by a variety of states throughout the U.S.

B. Illinois Alternative Sentencing Programs

A variety of alternative sentencing programs are presently in place throughout the State of Illinois. The following are brief programmatic descriptions and, where available, relevant statistical information.

1. Shock Incarceration/Boot Camps

a. IDOC's Impact Incarceration Program Overview

The Illinois Impact Incarceration Program (IIP), operated by the Illinois Department of Corrections (IDOC), finds its statutory authority under Illinois law.² It is an intervention program "designed to promote lawful behavior in offenders, by providing a structured, specialized program that develops self-esteem, responsibility, and a positive self-concept, while

¹ Martha Rivers, S.C. Bar Online, The Leaner and Meaner Youthful Offender Act, at http://www.schar.org/SC_Lawyer/1997/1997_November-December/SCL_articles_November-December_1997_article_1.htm (last visited June 26, 2002).

² See 730 Ill. Comp. Stat. 5/5-8-1.1 (2002). See also 55 Ill. Comp. Stat. 5/3-15003.5 (2002) for statutory authority to create county impact incarceration programs in those counties with more than 3,000,000 inhabitants; such programs are under the direction of the Sheriff and must be approved by the County Board of Commissioners. See also 55 Ill. Comp. Stat. 5/3-6038 (2002) for statutory authority to create county impact incarceration programs in those counties with less than 3,000,000 inhabitants.

also addressing the underlying issues that often lead to criminal behavior and substance abuse.”³ According to IDOC, the program not only promotes public safety through risk management, but also reduces the demand for prison bedspace by shortening the time successful participants would serve in prison.⁴ Additional features of IIP include the specialized selection and training of program staff, the inclusion of an evaluation component, and a subsequent aftercare component incorporating both electronic detention and parole.⁵

The first boot camp in Illinois was opened at Dixon Springs (located in the Shawnee National Forest) in 1990, with the Greene County (located approximately one hour southwest of Springfield) and DuQuoin (located in Perry County) boot camps opened in 1993 and 1994, respectively, in part to relieve a backlog of offenders into the program.⁶ Additionally, IDOC runs a juvenile boot camp in Murphysboro.⁷

Eligibility Requirements

Originally, the boot camp alternative was available for nonviolent first offenders 17 to 29 years of age who had been sentenced up to five years in prison.⁸ In 1993 the Illinois Legislature, through the enactment of Public Act 88-0311, expanded eligibility criteria to include second-time offenders under 36 years of age who have received a sentence of up to eight years.⁹ Both

³ Ill. Dep’t of Corr., 2000 Annual Report to the Governor and the Gen. Assembly: Impact Incarceration Program, at iii.

⁴ *Id.*

⁵ Robert J. Jones and Steven P. Carr, The Development and Implementation of Illinois’ Impact Incarceration Program, at http://www.kci.org/publication/bootcamp/docs/nij/Correctional_Boot_Camps/chpt4/htm (last visited June 26, 2002).

⁶ *Id.*

⁷ Ill. Dep’t of Corr., FAQ [Frequently Asked Questions], at [#10](http://www.idoc.state.il.us/faq/default.htm) (last visited June 26, 2002).

⁸ Ill. Dep’t of Corr., *supra* note 3, at iii.

⁹ *Id.*

male and female offenders are eligible for participation in the program, with female participants being housed solely in the Dixon Springs facility.¹⁰

If the Court finds that an offender sentenced to a term of imprisonment for a felony may meet the eligibility requirements of IDOC, the court may recommend in its sentencing order that IDOC consider the offender for placement in IIP.¹¹ Offenders who are referred and meet the legislative guidelines are considered at one of the Reception and Classification Centers (R&C) upon admission to IDOC.¹² IDOC must then evaluate each inmate against the following criteria¹³:

1. *Must not be less than 17 years of age nor more than 35 years of age.*
2. *Has never served more than one sentence of imprisonment for a felony in an adult correctional facility.*
3. *Has not been convicted of a Class X felony, first- or second-degree murder, armed violence, aggravated kidnapping, criminal sexual assault, aggravated criminal sexual assault, or a subsequent conviction for criminal sexual abuse, forcible detention or arson.*
4. *Must be physically able to participate in strenuous physical activities or labor.*
5. *Must not have any mental disorder or disability that would prevent participation in the program.*
6. *Has consented in writing to participation.*
7. *IDOC may also consider, among other matters, whether the committed person has a history of escape or absconding, whether he has any outstanding detainers or warrants, or whether participation in IIP may pose a risk to the safety or security of any person.*

Screening by IDOC's R&C staff include ensuring that the inmate is eligible by law; intensive medical screening; arranging transportation; discussing IIP programmatic format and content

¹⁰ Kristine T. Hamilton, Ill. Criminal Justice Info. Auth., Boot Camp Becoming More Common Alternative for Female Offenders, The Compiler, at 1, at <http://www.icjia.state.il.us/public/index.cfm?metaSection=Publications&metaPage=CPLsum9805> (last visited June 26, 2002).

¹¹ Ill. Dep't of Corr., *supra* note 3, at 26.

¹² *Id.*

¹³ *Id.* at 26-27.

with inmates; and obtaining signed consents from inmates stating that they are volunteering for the program.¹⁴

The total number of judicial recommendations to the program since inception reached nearly 25,000 convicted offenders as of June 30, 2000, with IDOC having approved approximately 71%.¹⁵ The 29% of offenders having been denied were so denied for such reasons as refusal to sign the volunteer consent form (35%); failure to meet the legal criteria (19%); existence of outstanding warrants (16%); existence of discipline problems or quitting while awaiting transfer (13%); determination of being a moderate to high escape risk (9%); or existence of medical and psychological concerns making the inmates unfit for IIP programmatic demands (8%).¹⁶

Data indicate that recent declines in the eligible pool have been consistent with reduced judicial IIP recommendations from Cook County, potentially due to the opening of the Cook County Sheriff's Boot Camp in March 1997, a program similar to the IIP in both design and statutory eligibility criteria.¹⁷ The percentage of inmates recommended by the courts and later approved by the IDOC has remained near 80% since FY98.¹⁸

Since programmatic inception, offenders from all 102 Illinois counties have been recommended for IIP, with Cook County having sent over 69% of the IIP program candidates.¹⁹ The collar counties of DuPage, Kane, McHenry, Lake and Will have supplied an additional 8%, while 22% have been sentenced from the remaining downstate counties.²⁰

¹⁴ *Id.* at 27.

¹⁵ *Id.* at 7.

¹⁶ *Id.*

¹⁷ *Id.* at 4.

¹⁸ *Id.*

¹⁹ *Id.* at iii.

²⁰ *Id.*

Inmate Information

Boot camp programs generally target young, nonviolent, first-time offenders, with participants primarily being male.²¹ Because boot camps allow both genders the same opportunity to complete their incarceration after approximately 18 weeks, IDOC reports that the number of women seeking and gaining admission to these programs is on the rise.²²

According to IDOC, the typical IIP inmate is a 22-year-old black male, with an eleventh grade education and a history of substance abuse who has been convicted of a Class 1 or Class 2 property or drug offense and is serving a 4.2 year sentence.²³ The typical female IIP inmate, on the other hand, is black, 25 years old, similarly has an eleventh grade education and a history of substance abuse.²⁴ Furthermore, the majority of female inmates have been convicted of Class 1 or 2 drug offenses, and have sentences of 4.3 years in length.²⁵

Since February 12, 1991, 12,167 inmates have graduated from IIP after serving 120 active days in the program, with 4,733 program failures (including 3,058 of the failures - 65% - consisting of voluntary dropouts).²⁶ Other than graduating from IIP, a participant may exit the program due to a disciplinary infraction, a program review hearing, or by quitting voluntarily. Approximately 28% of the inmates have left the program before completion, with some 65% of these dropouts having been voluntary.²⁷

Post Release Data

Upon release from boot camp, offenders participate in an intensive community supervision program, with aftercare supervision designed to closely monitor the releasee's

²¹ Hamilton, *supra* note 10, at 1.

²² *Id.*

²³ Ill. Dep't of Corr., *supra* note 3, at 8.

²⁴ *Id.* at 15.

²⁵ *Id.*

²⁶ *Id.* at iii.

²⁷ *Id.* at 14.

activities so that controls can be tailored for diversion from previously conducted negative activity to law-abiding practices.²⁸ The IIP aftercare supervision strategy addresses a gradual reintroduction from the structured to the free environment, with the primary focus on providing education and assistance to releasees in security community-based services upon release from IIP.²⁹ According to IDOC, releasees must go through electronic monitoring and violation procedures, and, for some, a drug treatment program.³⁰ Released inmates who have demonstrated positive adjustment may be recommended to the Prisoner Review Board (PRB) for early discharge from supervision.³¹

IIP graduates continue to return to prison with fewer new crime offenses (25.7% within three years) than those in the comparison group (35.7%).³² However, IIP graduates were found to have returned to prison with a technical violation more often than inmates who served their sentence in the general inmate population.³³ Consequently, the number of technical violations for IIP graduates is driving the aggregate IIP recidivism rate to a rate comparable to that of traditional releasees.³⁴

Costs of incarcerating an inmate in IIP are reduced for two reasons: Inmates spend less time in prison, and this shorter stay allows a bed to be occupied three times per year for four-month periods.³⁵ Each IIP graduate released in FY00 saved an average of 443 days from the time he would have served given his full sentence.³⁶ According to IDOC, during FY00 the cost

²⁸ *Id.* at 32.

²⁹ *Id.* at 32-33.

³⁰ *Id.* at 33.

³¹ *Id.*

³² *Id.* at 19.

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.* at 21.

³⁶ *Id.*

savings netted \$5,572,566, saving 701,269 days of incarceration for 1,583 graduates.³⁷

Furthermore, the total cost savings since the program's inception are an estimated \$40,512,890 per IDOC's 2000 Annual Report to the Governor and the General Assembly.³⁸

b. Cook County Sheriff's Department Boot Camp

Program Overview

The Cook County Sheriff's Boot Camp, which opened in March 1997³⁹, is designed to provide non-violent offenders a strict detention program based on military discipline, fundamental vocational skills, education and alcohol/substance abuse treatment.⁴⁰ Additionally, the boot camp features an eight-month long post-detention supervision program where participants must return on a daily basis to continue educational programming.⁴¹ According to the Cook County Sheriff's Department, the program is aimed at reaching and impacting young offenders at an early stage of criminality before they develop a pattern of recidivism leading to repeat incarceration and more serious crimes against society.⁴²

Eligibility Requirements

In order to be eligible, participants must be between the ages of 17 and 35, must have never committed a violent or sex-related crime, and must not have served more than one term in state prison.⁴³ All offenders chosen for the boot camp must plead guilty to their charges and

³⁷ *Id.* at iii.

³⁸ *Id.*

³⁹ *Id.* at 4.

⁴⁰ Cook County Boot Camp, What is Boot Camp?, at <http://www.cookcountysheriff.org/bootcamp/index.html> (last visited June 26, 2002).

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

agree to placement in the program, as well as undergo a health and psychological assessment prior to admission.⁴⁴

The one-year program, consisting of eighteen weeks of intensive military training and an eight-month supervised post-release program, is located on a 10.2 acre complex on South Rockwell Avenue in Chicago.⁴⁵ A total of ten buildings are on the compound, including an educational and vocational building, a gymnasium, intake dormitory and services, gatehouse and administration, cafeteria and four dormitories, which house 48 inmates per platoon.⁴⁶

Boot Camp Components

Components of the boot camp program include⁴⁷:

1. *Physical training, designed to improve the physical health of the participants and promote a sense of discipline; such training also improves stress management skills and productivity levels of the detainees.*
2. *Drill and ceremony, where platoons compete against each other in drills designed to display discipline and promote team unity.*
3. *Work detail, showing the detainees the value of hard work and stressing the importance of caring for the communities they live in.*
4. *Education, with a variety of tracks available dependent upon the inmate's skill level.*
5. *Vocational skills, teaching inmates basic working skills in the areas of building maintenance, carpentry, electricity, plumbing and wall boarding.*
6. *Substance abuse prevention, offering traditional drug and alcohol abuse counseling and skill-building opportunities that will help them remain drug-free after graduation from boot camp.*
7. *General counseling, addressing progress as both a group as individuals, as well as conducting presentations on parenting skills, stress management, and goal-setting.*
8. *Post boot camp supervision, which includes initially placing the inmate on electronic home monitoring, as well as monitoring them for substance abuse during the eight-month period and offering access to substance abuse recovery counseling.*

Statistical Summary

⁴⁴ *Id.*

⁴⁵ Cook County Boot Camp, *Facts & Figures*, at <http://www.cookcountysheriff.org/bootcamp/facts.html> (last visited June 26, 2002).

⁴⁶ *Id.*

⁴⁷ Cook County Boot Camp, *Boot Camp Components*, at <http://www.cookcountysheriff.org/bootcamp/components.html> (last visited June 26, 2002).

Nearly 3,000 individuals have been received into the Boot Camp since inception, with 272 individuals having been removed previous to the completion of the eighteen-week incarceration phase.⁴⁸ Almost 2,500 individuals have completed the incarceration phase, with 57 of the 67 platoons having completed the entire one-year program.⁴⁹

The following figures are based upon those ten platoons that have completed the eighteen-week incarceration phase, but not the entire one-year program⁵⁰:

Total	419
Failure to Comply with the Rules of Post Release or AWOL	28 (7%)
Pending judicial disposition for failure to abide by all rules of post release	14 (4%)
Sentenced for a new crime while on post release	11 (3%)
Employed	366/108 (30%)

The following numbers are based upon those 57 platoons that have completed the entire one-year program⁵¹:

Total	2,118
Failure to Comply with the Rules of Post Release or AWOL	262 (13%)
Sentenced for a new crime while on post release	303 (14%)
Employed	1,553/776 (50%)
Successfully completed one year	1,553 (73%)

According to the Cook County Sheriff's Department, a total of 1,059 individuals who successfully completed one year are now two years removed from the program, with 974 individuals remaining incarceration-free during the second year for a 93% success rate.⁵² Additionally, the Boot Camp reports an 87% success rate for those individuals remaining incarceration-free during the third year.⁵³

⁴⁸ Letter from Matt Jaeky, Records Coordinator, Cook County Boot Camp. See Appendix B.

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.*

With respect to the post release phase of programming, ten platoons or approximately 400 individuals participate in the post-release phase on a daily basis.⁵⁴ During post release, individuals spend 30-45 days on electronic monitoring, participate in job preparation classes, are assisted in securing employment, are aided in obtaining birth certificates and state identification and social security cards, receive additional academic instruction and substance abuse counseling if needed and submit to random drug tests.⁵⁵

2. Electronic Home Monitoring (EM)

Program Overview

According to the Cook County Sheriff's Department, their Electronic Monitoring (EM) program is the world's largest pre-trial monitoring program, and was designed to ease overcrowding in the Cook County Department of Corrections.⁵⁶ Since its inception in 1989, almost 87,000 persons have been placed on EM.⁵⁷

The electronic monitoring program is typically used as a community-based alternative incarceration option that allows non-violent, pre-trial and short-time sentenced inmates to remain in the community instead of being incarcerated.⁵⁸ A variety of judicial circuits throughout the state use such monitoring as a form of alternative sentencing, with some variations seen by the various probation offices in both effectiveness and utilization by the courts.⁵⁹ In Cook County

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ Cook County Dep't of Cmty. Supervision and Intervention, Electronic Monitoring, at <http://www.cookcountysheriff.com/dcsi/em.html> (last visited June 26, 2002).

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ Nearly all circuits reported use of electronic monitoring, including probation departments contacted in Cook County, 1st, 2nd, 3rd, 4th, 5th, 9th, 10th, 13th, 14th, 15th, 16th, 17th, and 20th judicial circuits. Based on conversations with various probation professionals, it appears as if the use of electronic monitoring across the circuits ranges from very low utilization, such as that reported for Knox County (9th Circuit), to high utilization such as that reported for Christian County (4th Circuit).

alone, the average daily population of this particular program is approximately 1,200, some 85% of which are pre-trial.⁶⁰ Highlighting the Kane County EM Program, fees to be paid by the offender for the monitoring are determined by the sentencing judge, with assessments ranging anywhere from \$6 – \$12.50 per day.⁶¹

Eligibility Requirements

With respect to Sangamon County's EM Program, which is not widely utilized by the court, the sentencing judge may order an offender to a term of home confinement with electronic monitoring in lieu of jail time, but this must be a part of a sentence to probation, which is often done in cases when the offender has an extreme medical condition or is gainfully employed.⁶² In Cook County, the Sheriff's Office will exclude inmates from the EM program for the following offenses or previous history⁶³:

- *All Class X crimes*
- *"D" Bond > \$300,000*
- *Most Class 1 Felonies*
- *"C" Bond > \$10,000*
- *Psychiatric unit inmates*
- *Uneven bond amounts*
- *Violent criminal background*
- *Sex offenses*
- *Domestic violence*

While on the program, detainees can work, attend school, and participate in job skill programs.⁶⁴ Also, by obtaining permission, detainees can leave their homes to get food stamps,

⁶⁰ Cook County Dep't of Cmty. Supervision and Intervention, *supra* note 56.

⁶¹ Kane County Court Serv., *Court Services*, at <http://www.co.kane.il.us/CRTSERV.HTM> (last visited June 26, 2002).

⁶² E-mail received from Kathryn I. Rubinkowski, Deputy Director of the Sangamon County Adult Probation & Court Services on June 10, 2002.

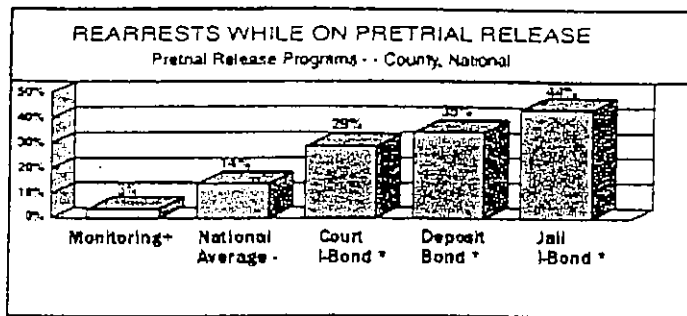
⁶³ Cook County Dep't of Cmty. Supervision and Intervention, *supra* note 55.

⁶⁴ *Id.*

go to public aid, cash aid checks, go on job interviews, and meet with their lawyers or probation officers.⁶⁵

Statistical Information

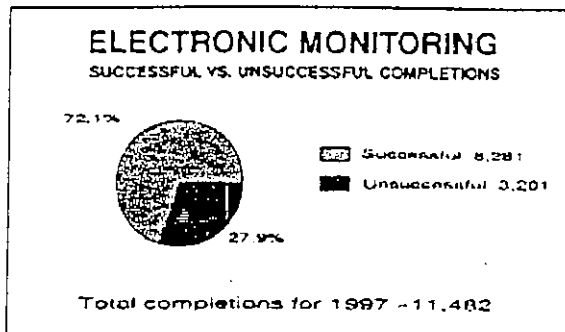
The following statistical information was available on the Cook County Sheriff's Department website⁶⁶:



+ E.M.U. Statistics 1997

- U.S. Department of Justice Study

* Illinois Criminal Justice Information Authority study of Cook County 1992



⁶⁵ *Id.*

⁶⁶ Cook County Dep't of Cmty. Supervision and Intervention, D.C.S.I. Statistics, at <http://www.cookcountysheriff.com/dcsi/stats.html> (last visited June 26, 2002).

3. Intensive Probation Supervision (IPS)

Program Overview

Under the original Intensive Probation Supervision (IPS) program in place prior to April 2001, more serious offenders were sometimes placed on this highly structured surveillance-oriented program that rendered the most restrictive supervision in the first part of a probationer's sentence, as opposed to the offender being placed on standard supervised probation.⁶⁷ Most offenders continued to serve an additional period of supervision after completing the specialized supervision program.⁶⁸ There were seventeen departments, including Kane, Lake, and McHenry Counties, that administered specialized probation programs in 1998, having reported a combined IPS caseload of 1,347.⁶⁹ IPS required face-to-face contact with a probation officer as often as five times a week, with a cost of approximately \$3,600 per client per year.⁷⁰

According to Lake County Adult Probation Services, Intensive Probation provides a program of high accountability and structure which emphasizes maintenance of regular employment, fiscal responsibility, abstinence from illicit drug use, public service work and the development of a permanent crime-free lifestyle.⁷¹ In Lake County, for example, IPS lasts for a minimum of twelve months and is divided into phases of three, six, and three months long, with probationers being seen by a team of Intensive Probation Officers numerous times per week and

⁶⁷ Tracy Hahn, Ill. Criminal Justice Info. Auth., Probation Trends in Illinois, Trends & Issues, Vol.1, No.6, Sept. 1999, at 3, available at <http://www.icjia.state.il.us/public/pdf/T&I/probation.pdf> (last visited June 26, 2002).

⁶⁸ *Id.*

⁶⁹ *Id.* The Administrative Office of the Illinois Courts (AOIC) reports that the following counties have an IPS program: Champaign (6th Circuit), Cook (Cook County Circuit), Franklin/Jefferson/Hamilton (a combined program covering these counties located in the 2nd Circuit), Kane (16th Circuit), Kankakee (21st Circuit), Lake (19th Circuit), Madison (3rd Circuit), Marion (4th Circuit), McLean (11th Circuit), McHenry (19th Circuit), Peoria (10th Circuit), St. Clair (20th Circuit), Tazewell (10th Circuit), Vermilion (5th Circuit), Will (12th Circuit) and one program covering all nine counties within the 1st judicial circuit (Alexander, Jackson, Johnson, Massac, Pope, Pulaski, Saline, Union and Williamson counties).

⁷⁰ Beverly Scobell, Adult Probation: Alternatives to Prison Exist Already, But the System in Illinois Operated Under the Courts is Overburdened, Illinois Issues, June 1993, available at <http://www.lib.niu.edu/ipo/i930629.html> (last visited June 26, 2002)..

a strict curfew being enforced.⁷² Probationers that successfully complete IPS are subsequently assigned to a Probation Officer who will provide supervision for the remainder of their sentence to probation.⁷³

The IPS program was started in 1984 and has recently undergone some statewide changes, according to the Administrative Office of the Illinois Courts (AOIC). As of April 2001, the program has begun to integrate the “What Works” philosophy into probationer training.⁷⁴ Such philosophy uses educational strategies to change an offender’s criminal behavior, and probation officers are being trained to analyze offenders’ motivation for criminal behavior and to develop problem-specific treatment and supervision programs.⁷⁵ According to the Illinois Criminal Justice Information Authority (ICJIA), training under the “What Works” philosophy is administered in four principal areas: risk assessment, criminogenic needs assessment⁷⁶, “responsivity”⁷⁷ and intensive behavioral intervention.⁷⁸

Statistical Information

According to ICJIA, the “What Works” philosophy has fueled the creation of more educational opportunities in probation with the hopes that they will help decrease recidivism.⁷⁹ According to AOIC, approximately 54-57% of the statewide IPS cases were successfully completed under the old IPS program, with some departments reporting a high of 63%

⁷¹ 19th Judicial Cir. Ct., Lake County Adult Probation Services: Nineteenth Judicial Circuit, at <http://www.19thcircuitcourt.state.il.us/bkshelf/adtserv/adtserv.htm> (last visited June 26, 2002).

⁷² *Id.*

⁷³ *Id.*

⁷⁴ As reported by Greg Anderson of AOIC’s Probation Division.

⁷⁵ Cristin Monti, Ill. Criminal Justice Info. Auth., Statewide Probation Training Focuses on a “What Works” Philosophy, The Compiler, Spring 1999, at 6, available at <http://www.icjia.state.il.us/public/pdf/compspring99.pdf> (last visited June 26, 2002).

⁷⁶ Such techniques enable probation officers to identify offender needs, such as gang association and drug abuse, that are linked to criminal behavior. *Id.*

⁷⁷ Responsivity is the analysis of an offender’s unique characteristics and circumstances, and the use of that analysis to match the offender with effective programming. *Id.*

⁷⁸ *Id.*

⁷⁹ *Id.*

completion rate to a low of 42%.⁸⁰ Such rates are similar to those seen with the new IPS program, although it is important to keep in mind that (1) the new program has been in place only since April 2001, and (2) it is estimated to take 4-5 years to get the entire state integrated with this new probation philosophy.⁸¹

4. Work Alternative Programs

Program Overview

A variety of jurisdictions throughout the Illinois include some form of public/community service or work alternative programs as part of their alternative sentencing options.⁸² In Cook County, for example, the Sheriff's Work Alternative Program (SWAP) program puts drunk drivers and other low-level offenders to work on the streets of Cook County, doing everything from assisting the Medical Examiner in handling the bodies of victims during the 1994 heat crisis to sandbagging during the 1991 Chicago Flood and the cleaning up after 1996 suburban floods, to removing graffiti and beautifying the County's public property.⁸³ All vehicles and equipment for the Cook County SWAP program are financed through fees paid by the offenders themselves, with only personnel costs being absorbed by the county.⁸⁴ As reported in an evaluation performed by the University of Illinois at Springfield, driving-related offenses made up the largest category of SWAP participants in Madison County, with the second-largest

⁸⁰ Based on conversation with Greg Anderson of AOIC's Probation Division on June 24, 2002.

⁸¹ *Id.*

⁸² A sample of counties reportedly using a work alternative/community service program include Adams (8th Circuit), Cook County (Cook County judicial circuit), Kane (16th Circuit), Madison (3rd Circuit), McHenry (19th Circuit), Sangamon (7th Circuit), St. Clair (20th Circuit), and Winnebago (17th Circuit).

⁸³ Cook County Dep't of Cmty. Supervision and Intervention, Sheriff's Work Alternative Program, at <http://www.cookcountysheriff.org/dcsi/swap.html> (last visited June 26, 2002).

⁸⁴ *Id.*

category being that for offenders sentenced for crimes that were procedural in nature, such as contempt of court, failure to pay court-ordered fines, and violation of probation.⁸⁵

Impact of SWAP

Between April 1995 and September 1996, approximately 305 offenders in Madison County were removed from the county jail and ordered to participate in SWAP (an average of 16.9 offenders per month).⁸⁶ While SWAP has removed offenders from the Madison County Jail, it has not resulted in a dramatic decrease in the jail population.⁸⁷ In Adams County, SWAP removed a significant portion of the jail population during the day, allowing jail staff to monitor fewer inmates more closely.⁸⁸ In both Madison and Adams counties, those participants with shorter sentences were more likely to successfully complete SWAP than were participants with longer sentences.⁸⁹ Similarly, those with fewer pre-SWAP arrests were more likely to satisfactorily complete SWAP than their counterparts with more extensive prior criminal histories.⁹⁰ In addition, those who failed to complete SWAP exhibited greater criminal involvement after participation in SWAP than did those who satisfactorily completed the program.⁹¹ Older offenders also appeared more likely to complete the program than their younger counterparts.⁹²

⁸⁵ Ill. Criminal Justice Info. Auth., Evaluation of the Sheriff's Work Alternative Programs in Madison and Adams Counties, On Good Authority, at 1, at <http://www.icjia.state.il.us/public/index.cfm?metaSection=Publications&metaPage=OGA0104> (last visited June 26, 2002).

⁸⁶ *Id.* at 2-3.

⁸⁷ *Id.* at 3.

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ *Id.*

⁹¹ *Id.*

⁹² *Id.*

5. Day Reporting Centers

Program Overview

According to ICJIA, Day Reporting Centers (DRCs) as alternatives to traditional incarceration made their U.S. debut in Connecticut and Massachusetts.⁹³ Correctional populations served by these centers range from pretrial detainees to probationers to released and paroled prisoners.⁹⁴ A limited number of DRCs are currently in operation throughout Illinois, including Cook County which has been in operation since 1993 and has inducted more than 11,000 people into their program.⁹⁵

Cook County DRC participants are selected from among pretrial defendants in the EM program instead of the general population to ensure that only defendants who pose no threat to the community are allowed to participate.⁹⁶ Such DRC participants are unsupervised during both evenings and weekends, even though they are technically in the custody of the Cook County Department of Corrections.⁹⁷ Participants must complete an eight-day orientation upon entry into the program, after which they will be evaluated and placed in a program track which addresses their specific needs.⁹⁸ Program tracks vary in intensity from nine hours to three hours daily. According to the Cook County Sheriff's Department, "the goal of the track system is to move participants successfully through the continuum of services to the point where they either

⁹³ Christine Martin, Ill. Criminal Justice Info. Auth., *Cook County Day Reporting Center Serves As An Alternative to Incarceration*, On Good Authority, Vol. 5, No. 2, July 2001, at 1, at <http://www.icjia.state.il.us/public/pdf/oga/final%20revised%20CookDRC.oga.pdf> (last visited June 26, 2002).

⁹⁴ *Id.*

⁹⁵ Cook County Dep't of Cmty. Supervision and Intervention, *Day Reporting Center*, at <http://www.cookcountysheriff.org/dcsi/day.html> (last visited June 26, 2002). According to AOIC, the following counties have adult and/or juvenile day/evening reporting centers: Champaign (6th Circuit), Christian (4th Circuit), Cook (Cook County judicial circuit), Franklin/Jefferson (2nd Circuit), Kankakee (21st Circuit), Lee (15th Circuit), Macon (6th Circuit), Marion (4th Circuit), McLean (11th Circuit), Ogle (15th Circuit), St. Clair (20th Circuit), Vermilion (5th Circuit), Will (12th Circuit), and Winnebago (17th Circuit).

⁹⁶ Martin, *supra* note 93, at 1.

⁹⁷ *Id.*

⁹⁸ Cook County Dep't of Cmty. Supervision and Intervention, *supra* note 95.

become drug-free, gainfully employed, and/or are attending school or a vocational training program.”⁹⁹ Except for vocational training and employment, all program services are provided at the DRC during the ten-hour program day.¹⁰⁰

Evaluative Results

Short-term evaluations of the Cook County DRC have shown that participants do well while in the program, but they also are at high risk to recidivate once they are released.¹⁰¹ Despite the short stays and high risk of recidivism, previous evaluations have consistently shown that participants have dramatic decreases in illegal drug use, low rearrest rates, and high court appearance rates while participating in the program.¹⁰² On a post-program evaluation level, recidivism rates for participants in the “treatment group” (i.e., those in for at least 70 days and receiving a substantial amount of program services) were considerably lower than the rates for the “control group” (i.e., those in the program fewer than 10 days and receiving little or no rehabilitative services).¹⁰³ Recidivism rates varied depending on age and criminal history: Older participants were less likely than younger ones to recidivate, and the more prior arrests a participant had, the more likely he was to recidivate.¹⁰⁴

6. Pre-Trial Programs

Several Illinois probation departments provide some form of pre-trial program, with services ranging from criminal background checks up to residential drug treatment programs for

⁹⁹ *Id.*

¹⁰⁰ *Id.*

¹⁰¹ Martin, *supra* note 93, at 2.

¹⁰² *Id.*

¹⁰³ *Id.* at 3.

¹⁰⁴ *Id.*

pre-trial inmates.¹⁰⁵ Pretrial services and drug intervention programs were used in both Macon and Peoria counties to address growing jail populations, while Cook County aimed to break the cycle of drug addiction and criminality through the development of its Pre-Release Center.¹⁰⁶

According to ICJIA, the Macon County pretrial services program has three goals¹⁰⁷:

- *Based on a least-restrictive philosophy, increase the use of release on recognizance and other alternatives to pretrial detention;*
- *Decrease the pretrial jail population to open space for a more appropriate jail population; and*
- *Provide pretrial supervision and monitor release conditions.*

The Cook County Pre-Release Center's goal is to motivate substance abusers toward a drug-free and responsible lifestyle through seminars, workshops, group and individual counseling, and outside support services¹⁰⁸.

Limited Statistical Information

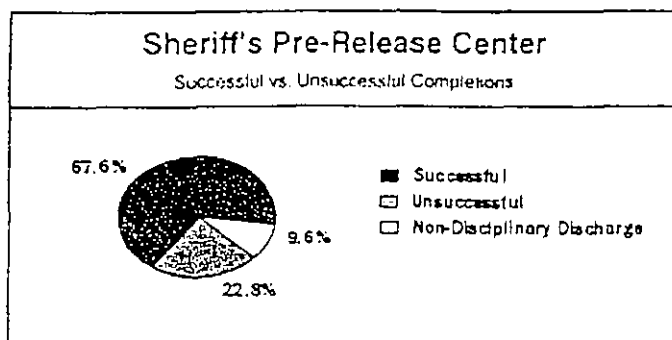
The following limited statistics are available on both the Cook and Macon County programs:

¹⁰⁵ According to AOIC, the following counties have pretrial services programs: Cook (Cook County Circuit), Kane (16th Circuit), Kankakee (21st Circuit), Lake (19th Circuit), Macon (6th Circuit), Madison (3rd Circuit), Marion (4th Circuit), McHenry (19th Circuit), Peoria (10th Circuit), Rock Island (14th Circuit), St. Clair (20th Circuit), Tazewell (10th Circuit), Whiteside (14th Circuit), and Winnebago (17th Circuit).

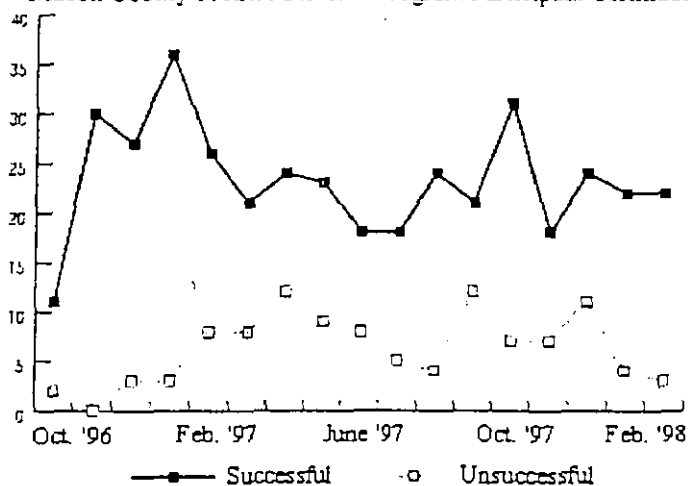
¹⁰⁶ Cook County Dep't of Supervision and Intervention, Pre-Release Center, at <http://www.cookcountysheriff.org/dcsi/pre.html> (last visited June 26, 2002).

¹⁰⁷ Karen Levy McCanna, Ill. Criminal Justice Info. Auth., Pretrial and Drug Intervention Programs in Macon, Peoria Counties, On Good Authority, Vol.2, No. 1, Oct. 1998, at 1, available at <http://www.icjia.state.il.us/public/pdf/ogapretrial.pdf> (last visited June 26, 2002).

¹⁰⁸ Cook County Dep't of Supervision and Intervention, *supra* note 106.

Cook County Pre-Release Center Statistics¹⁰⁹

• Statistics based on Pre-Release Center data for calendar 1996

Macon County Pretrial Services Program Participant Terminations Oct. '96 through Feb. '98¹¹⁰

7. Miscellaneous

A limited number of reporting jurisdictions indicated alternative sentencing programs not falling with the auspices of those already addressed. Such programs included graduated

¹⁰⁹ Cook County Dep't of Supervision and Intervention, *supra* note 66.

¹¹⁰ McCanna, *supra* note 107, at 2.

sentencing in Winnebago County¹¹¹; administrative sanctions in McHenry County, which delegates authority from the circuit court over to Probation and Court Services in order for Probation to apply structured intermediate sanctions for probation violations¹¹²; Moral Recognition Therapy (MRT) in Macon and Marion Counties¹¹³; and victim impact panels or reconciliation/mentoring programs in Clark, Christian and McLean counties.¹¹⁴ Additionally, Macon County is reportedly considering a voice identification system as a means of contacting probationers.¹¹⁵

C. Balanced and Restorative Justice Model Approach to Criminal Justice

Based on conversations with several probation department representatives, the approach to criminal justice with respect to adult offenders is reportedly moving towards what is referred to as the Balanced and Restorative Justice Model. Such theory of restorative justice emphasizes the need to provide opportunities for those most directly affected by crime (victims, communities, and offenders) to be directly involved in responding to the impact of crime and

¹¹¹ According to Andrea Tack of the Winnebago County Probation Department, the program was implemented on May 28, 2002. Those sentenced to the program are allowed to be moved through the system by being involved in a variety of alternative sentencing options, including both Periodic Imprisonment and Day Reporting Center options. Such concept of a graduated sentencing program was reportedly established in Hamden County, Massachusetts.

¹¹² As indicated by documentation provided by James Woolford of the McHenry County Adult Probation Department.

¹¹³ Briefly, such therapy focuses on the offender's thought process and value system, helping the individual to understand how to make appropriate choices in their lives and curb antisocial behavior.

¹¹⁴ McLean County indicated that both victim and offender are engaged by a trained mediator, who works with both parties to come up with some kind of resolution such as restitution, apologies, etc. Christian County, on the other hand, indicated that their non-interactive quarterly presentations were typically geared towards DUI and alcohol offenders.

¹¹⁵ Briefly, Tim Blakeman with Macon County Probation reports that such a software program would randomly dial an offender's phone number several times during specific times in order to check on whether the person was present. Such software is capable of recognizing the offender's voice, and is a less costly approach to electronic monitoring as it is not as equipment-intensive (i.e., no ankle bracelets, only a required software program).

restoring the losses incurred by victims.¹¹⁶ According to Umbreit, victim-offender mediation, a process which allows victims to meet face-to-face with the offender to talk about the impact of the crime and to develop a restitution plan, is the oldest and most empirically grounded restorative justice intervention.¹¹⁷ A variety of resources on the subject are available, including those from the U.S. Department of Justice.¹¹⁸

¹¹⁶ Mark S. Umbreit, Restorative Justice Through Victim-Offender Mediation: A Multi-Site Assessment, W. Criminology Rev., 1998, at <http://wcr.sonoma.edu/v1n1/umbreit.html> (last visited June 26, 2002).

¹¹⁷ *Id.*

¹¹⁸ See, e.g., U.S. Dep't of Just., Incorporating Restorative and Community Justice Into American Sentencing and Corrections, Sentencing & Corrections: Issues for the 21st Century, Sept. 1999, available at <http://www.ncjrs.org/pdffiles1/nij/175723.pdf> (last visited June 26, 2002).

APPENDIX A: Sample Youthful Offender Act Legislative Enactments

Alabama: Code of Ala. @ 15-19-1 (2000)

@ 15-19-1. Generally

- (a) A person charged with a crime which was committed in his minority but was not disposed of in juvenile court and which involves moral turpitude or is subject to a sentence of commitment for one year or more shall, and, if charged with a lesser crime may be investigated and examined by the court to determine whether he should be tried as a youthful offender, provided he consents to such examination and to trial without a jury where trial by jury would otherwise be available to him. If the defendant consents and the court so decides, no further action shall be taken on the indictment or information unless otherwise ordered by the court as provided in subsection (b) of this section.
- (b) After such investigation and examination, the court, in its discretion, may direct that the defendant be arraigned as a youthful offender, and no further action shall be taken on the indictment or information; or the court may decide that the defendant shall not be arraigned as a youthful offender, whereupon the indictment or information shall be deemed filed.

Arkansas: Ark. Stat. Ann. @ 12-28-501 (1999)

@ 12-28-501. Establishment – Purposes

- (a) There exists a need within the Department of Correction for a greater diversity in classification for purposes of custody and treatment of convicted felons.
- (b) In order that the department may fulfill these and other legislative mandates, there is established an institution with the Department of Correction for the custody, care, and treatment of youthful male offenders whose age, lack of recurrent criminal behavior, and length of sentence make them most amenable to successive rehabilitative programs under minimum security conditions.

Florida: Fla. Stat. @ 958.04 (1999)

@ 958.04 Judicial disposition of youthful offenders.

- (1) The court may sentence as a youthful offender any person:
 - (a) Who is at least 18 years or who has been transferred for prosecution to the criminal division of the circuit court pursuant to chapter 985;
 - (b) Who is found guilty of or who has tendered, and the court has accepted, a plea of *nolo contendere* or guilty to a crime which is, under the laws of this state, a felony if such crime was committed before the defendant's 21st birthday; and
 - (c) Who has not previously been classified as a youthful offender under the provisions of this act; however, no person who has been found guilty of a capital or life felony may be sentenced as a youthful offender under this act.
- (2) In lieu of other criminal penalties authorized by law and notwithstanding any imposition of consecutive sentences, the court shall dispose of the criminal case as follows:
 - (a) The court may place a youthful offender under supervision on probation or in a community control program, with or without an adjudication of guilt, under such conditions as the court may lawfully impose for a period of not more than 6 years. Such period of supervision shall not exceed the maximum sentence for which the youthful offender was found guilty.
 - (b) The court may impose a period of incarceration as a condition of probation or community control, which period of incarceration shall be served in either a county facility, a department probation and restitution center, or a community residential facility which is owned and operated by any public or private entity providing such services. No youthful offender may be required to serve a period of incarceration in a community correction center as defined in s. 944.026. Admission to a department facility or center shall be contingent upon the availability of bed space and shall take into account the purpose and function of such facility or center. Placement in such a facility or center shall not exceed 364 days.
 - (c) The court may impose a split sentence whereby the youthful offender is to be placed on probation or community control upon completion of any specified period of

incarceration; however, if the incarceration period is to be served in a department facility other than a probation and restitution center or community residential facility, such period shall be for not less than 1 year or more than 4 years. The period of probation or community control shall commence immediately upon the release of the youthful offender from incarceration. The period of incarceration imposed or served and the period of probation or community control, when added together, shall not exceed 6 years.

- (d) The court may commit the youthful offender to the custody of the department for a period of not more than 6 years, provided that any such commitment shall not exceed the maximum sentence for the offense for which the youthful offender has been convicted. Successful participation in the youthful offender program by an offender who is sentenced as a youthful offender by the court pursuant to this section, or is classified as such by the department, may result in a recommendation to the court, by the department, for a modification or early termination of probation, community control, or the sentence at any time prior to the scheduled expiration of such term. When a modification of the sentence results in the reduction of a term of incarceration, the court may impose a term of probation or community control, which when added to the term of incarceration, shall not exceed the original sentence imposed.
- (3) The provisions of this section shall not be used to impose a greater sentence than the permissible sentence range as established by the Criminal Punishment Code pursuant to chapter 921 unless reasons are explained in writing by the trial court judge which reasonably justify departure. A sentence imposed outside of the code is subject to appeal pursuant to s. 924.06 or s. 924.07.
- (4) Due to severe prison overcrowding, the Legislature declares the construction of a basic training program facility is necessary to aid in alleviating an emergency situation.
- (5) The department shall provide a special training program for staff selected for the basic training program.

958.021 Legislative Intent

The purpose of this chapter is to improve the chances of correction and successful return to the community of youthful offenders sentenced to imprisonment by providing them with enhanced vocational, educational, counseling, or public service opportunities and by preventing their association with older and more experienced criminals during the terms of their confinement. It is the further purpose of this chapter to encourage citizen volunteers from the community to contribute time, skills, and maturity toward helping youthful offenders successfully reintegrate into the community and to require youthful offenders to participate in substance abuse and other types of counseling and programs at each youthful offender institution. It is the further intent of the Legislature to provide an additional sentencing alternative to be used in the discretion of the court when dealing with offenders who have demonstrated that they can no longer be handled safely as juveniles and who require more substantial limitations upon their liberty to ensure the protection of society.

Massachusetts: Mass. Ann. Laws ch. 119@ 54 (2000)**@ 54. Proceedings.**

If complaint is made to any court that a child between seven and seventeen years of age is a delinquent child, said court shall examine, on oath, the complainant and the witnesses, if any, produced by him, and shall reduce the complaint to writing, and cause it to be subscribed by the complainant.

If said child is under twelve years of age, said court shall first issue a summons requiring him to appear before it at the time and place named therein, and such summons shall be issued in all other cases, instead of a warrant, unless the court has reason to believe that he will not appear upon summons, in which case, or if such a child has been summoned and did not appear, said court may issue a warrant reciting the substance of the complaint, and requiring the officer to whom it is directed forthwith to take such child and bring him before said court, to be dealt with according to law, and to summon the witnesses named therein to appear and give evidence at the examination.

The commonwealth may proceed by complaint in juvenile court or in a juvenile session of a district court, as the case may be, or by indictment as provided by chapter two hundred and

seventy-seven, if a person is alleged to have committed an offense which, if he were an adult, would be punishable by imprisonment in the state prison, and the person has previously been committed to the department of youth services, or the offense involves the infliction or threat of serious bodily harm in violation of law or the person has committed a violation of paragraph (a), (c) or (d) of section ten or section ten E of chapter two hundred and sixty-nine. The court shall proceed on the complaint or the indictment, as the case may be, in accordance with section fifty-five to seventy-two, inclusive. Complaints and indictments brought against persons for such offenses, and for other criminal offenses properly joined under Massachusetts Rules of Criminal Procedure 9(a)(1), shall be brought in accordance with the usual course and manner of criminal proceedings.

@ 52. Definitions

The following words used the following sections shall, except as otherwise specifically provided, have the following meanings:

“Court”, a division of the juvenile court department.

“Delinquent child”, a child between seven and seventeen who violates any city ordinance or town by-law or who commits any offense against a law of the commonwealth.

“Probation officer”, a probation officer or assistant probation officer of the Court having jurisdiction of the pending case.

“Punishment as is provided by the law”, any sentence which may be imposed upon an adult by a justice of the district court or superior court.

“Youthful offender”, a person who is subject to an adult or juvenile sentence for having committed, while between the ages of fourteen and seventeen, an offense against a law of the commonwealth which, if he were an adult, would be punishable by imprisonment in the state prison, and (a) has previously been committed to the department of youth services, or (b) has committed an offense which involves the infliction or threat of serious bodily harm in violation of law, or (c) has committed a violation of paragraph (a), (c) or (d) of section ten or section ten E of chapter two hundred and sixty-nine; provided that, nothing in this clause shall allow for less than the imposition of the mandatory commitment periods in section fifty-eight of chapter one hundred and nineteen.

Michigan: MSA @ 28.1274(101)

@ 28.1274(101). Application for order setting aside conviction; setting aside of certain convictions prohibited; time and contents of application; submitting application and fingerprints to department of state police; report; application fee; contest of application by attorney general or prosecuting attorney; notice to victim; affidavits and proofs; court order; definitions. See Statutes Annotated.

New York: NY CLS CPL @720.10 (1999)

@ 720.10. Youthful offender procedure; definitions of terms

As used in this article, the following terms have the following meanings:

1. "Youth" means a person charged with a crime alleged to have been committed when he was at least sixteen years old and less than nineteen years old or a person charged with being a juvenile offender as defined in subdivision forty-two of section 1.20 of this chapter.
2. "Eligible youth" means a youth who is eligible to be found a youthful offender.
Every youth is so eligible unless:
 - (a) the conviction to be replaced by a youthful offender finding is for (i) a class A-I or class A-II felony, or (ii) an armed felony as defined in subdivision forty-one of section 1.20, except as provided in subdivision three, or (iii) rape in the first degree, sodomy in the first degree, or aggravated sexual abuse, except as provided in subdivision three, or
 - (b) such youth has previously been convicted and sentenced for a felony, or
 - (c) such youth has previously been adjudicated a youthful offender following conviction of a felony or has been adjudicated on or after September first, nineteen hundred seventy-eight a juvenile delinquent who committed a designated felony act as defined in the family court act.
3. Notwithstanding the provisions of subdivision two, a youth who has been convicted of an armed felony offense or of rape in the first degree, sodomy in the first degree, or

aggravated sexual abuse is an eligible youth if the court determines that one or more of the following factors exist: (i) mitigating circumstances that bear directly upon the manner in which the crime was committed; or (ii) where the defendant was not the sole participant in the crime, the defendant's participation was relatively minor although not so minor as to constitute a defense to the prosecution. Where the court determines that the eligible youth is a youthful offender, the court shall make a statement on the record of the reasons for its determination, a transcript of which shall be forwarded to the state division of criminal justice services, to be kept in accordance with the provisions of subdivision three of section eight hundred thirty-seven-a of the executive law.

4. "Youthful offender finding" means a finding, substituted for the conviction of an eligible youth, pursuant to a determination that the eligible youth is a youthful offender.
5. "Youthful offender sentence" means the sentence imposed upon a youthful offender finding.
6. "Youthful offender adjudication". A youthful offender adjudication is comprised of a youthful offender finding and the youthful offender sentence imposed thereon and is completed by imposition and entry of the youthful offender sentence.

New York: NY CLS CPL @ 720.20 (1999)

@ 720.20. Youthful offender determination; when and how made; procedure thereupon

1. Upon conviction of an eligible youth, the court must order a pre-sentence investigation of the defendant. After receipt of a written report of the investigation and at the time of pronouncing sentence the court must determine whether or not the eligible youth is a youthful offender. Such determination shall be in accordance with the following criteria:

- (a) If in the opinion of the court the interest of justice would be served by relieving the eligible youth from the onus of a criminal record and by not imposing an indeterminate term of imprisonment of more than four years, the court may, in its discretion, find the eligible youth is a youthful offender; and
 - (b) Where the conviction is had in a local criminal court and the eligible youth had not prior to commencement of trial or entry of a plea of guilty been convicted of a crime or found a youthful offender, the court must find he is a youthful offender.
- 2. Where an eligible youth is convicted of two or more crimes set forth in separate counts of an accusatory instrument or set forth in two or more accusatory instruments consolidated for trial purposes, the court must not find him a youthful offender with respect to any such conviction pursuant to subdivision one of this section unless it finds him a youthful offender with respect to all such convictions.
 - 3. Upon determining that an eligible youth is a youthful offender, the court must direct that the conviction be deemed vacated and replaced by a youthful offender finding; and the court must sentence the defendant pursuant to section 60.02 of the penal law.
 - 4. Upon determining that an eligible youth is not a youthful offender, the court must order the accusatory instrument unsealed and continue the action to judgment pursuant to the ordinary rules governing criminal prosecutions.

Oklahoma: 10 Okl. St. @ 7306-2.2

@ 7306-2.2. Definitions – Purpose

A. For the purposes of the Youthful Offender Act:

1. "Youthful offender" means a person:

- a. thirteen (13), fourteen (14), fifteen (15), sixteen (16), or seventeen (17) years of age who is charged with murder in the first degree and certified as a youthful offender as provided by Section 7306-2.5 of this article.
- b. fifteen (15), sixteen (16), or seventeen (17) years of age and charged with a crime listed in subsection A of Section 7306-2.6 of this title, and
- c. sixteen (16) or seventeen (17) years of age and charge with a crime listed in subsection B of Section 7306-2.6 of this title,

if the offense was committed on or after January 1, 1998; and

2. "Sentenced as a youthful offender" means the imposition of a court order making disposition of a youthful offender as provided by Section 7306-2.9 of this title.

B. It is the purpose of the Youthful Offender Act to better ensure the public safety by holding youths accountable for the commission of serious crimes, while affording courts methods of rehabilitation for those youths the courts determine, at their discretion, may be amenable to such methods. It is the further purpose of the Youthful Offender Act to allow those youthful offenders whom the court find to be amenable to rehabilitation by the methods prescribed in the Youthful Offender Act to be placed in the custody or under the supervision of the Office of Juvenile Affairs for the purpose of assessing the rehabilitation programs provided by that Office and thereby, upon good conduct and successful completion of such programs, avoid conviction for a crime.

@ 7306-2.6. Certain acts mandating youthful offender status – Filing of delinquency petition or youthful offender information – Warrant, certification process – Guidelines. See attachments.

@ 7306-2.4. Treatment of a child certified as an adult or youthful offender in criminal proceedings. See attachments.

South Carolina: S.C. Code Ann. @ 24-19-10 (1999)

@ 24-19-10. Definitions.

As used herein:

- (a) "Department" means the Department of Corrections.
- (b) "Division" means the Youthful Offender Division.
- (c) "Director" means the Director of the Department of Corrections.
- (d) "Youthful offender" means an offender who is:
 - (i) under seventeen years of age and has been bound over for proper criminal proceedings to the court of general sessions pursuant to Section 20-7-7605 for allegedly committing an offense that is not a violent crime, as defined in Section 16-1-60, and that is a misdemeanor, a Class E or F felony, as defined in Section 16-1-20, or a felony which provides for a maximum term of imprisonment of less than fifteen years, or
 - (ii) who is seventeen but less than twenty-five years of age at the time of conviction for an offense that is not a violent crime, as defined in Section 16-1-60, and that is a misdemeanor, a Class E or F felony, or a felony which provides for a maximum term of imprisonment of fifteen years or less.
- (e) "Treatment" means corrective and preventive guidance and training designed to protect the public by correcting the antisocial tendencies of youthful offenders, this may also include vocational and other training deemed fit and necessary by the Division.
- (f) "Conviction" means a judgment in a verdict or finding of guilty, plea of guilty or plea of *nolo contendere* to a criminal charge where the imprisonment may be at least one year, but excluding all offenses in which the maximum punishment provided by law is death or life imprisonment.

Georgia: O.C.G.A. @ 42-7-1 (1999)

@ 42-7-1. Short title

This chapter shall be known and may be cited as the "Georgia Youthful Offender Act of 1972."

@ 42-7-2. Definitions

As used in this chapter, the term:

- (1) "Board" means the Board of Corrections.
- (2) "Commissioner" means the commissioner of corrections.
- (3) "Conviction" means a judgment on a verdict or finding of guilty, a plea of guilty, or a plea of *nolo contendere* in a felony case but excludes all judgments upon criminal offenses for which the maximum punishment provided by law is death or life imprisonment.
- (4) "Court" means any court of competent jurisdiction other than a juvenile court.
- (5) "Department" means the Department of Corrections.
- (6) "Treatment" means corrective and preventative incarceration, guidance, and training designed to protect the public by correcting the antisocial tendencies of youthful offenders, which may include but is not limited to vocational, educational, and other training deemed fit and necessary by the department.
- (7) "Youthful offender" means any male offender who is at least 17 but less than 25 years of age at the time of conviction and who in the opinion of the department has the potential and desire for rehabilitation.

APPENDIX B: Cook County Boot Camp Statistics Dated June 17, 2002



COOK COUNTY BOOT CAMP

2801 South Rockwell Avenue ■ Chicago, Illinois 60608 ■ Phone (773) 869-7955

MICHAEL F. SHEAHAN
SHERIFF

June 17, 2002

Since the opening of the Boot Camp, two thousand nine hundred and ninety-three (2,993) individuals have been received. Two hundred and seventy-two (272) individuals have been removed previous to the completion of the eighteen-week incarceration phase.

Sixty-seven (67) platoons or two thousand and four hundred eighty-eight (2,488) individuals have completed the eighteen-week incarceration phase. Of these sixty-seven platoons, fifty-seven (57) have completed the entire one-year program.

The following numbers are based upon those ten (10) platoons that have completed the eighteen-week incarceration phase, but not the entire one-year program.

Total	419
Failure to Comply with the Rules of Post Release or AWOL	28 (7%)
Pending judicial disposition for failure to abide by all rules of post release	14 (4%)
Sentenced for a new crime while on post release	11 (3%)
Employed	366/108 (30%)

The following numbers are based upon those fifty-seven (57) platoons that have completed the entire one (1) year Boot Camp program.

Total	2,118
Failure to comply with the rules of post release or AWOL	262 (13%)
Sentenced for a new crime while on post release	303 (14%)
Employed	1,553/776 (50%)
Successfully completed one year	1,553 (73%)

Second Year Recidivism Rates

A total of one thousand fifty-nine (1,059) individuals who successfully completed one year are now two years removed from the program. Nine hundred and seventy-four (974) individuals remained incarceration free during the second year for a 93% success rate.

Five hundred thirteen (513) of five hundred eighty-eight (588) individuals remained incarceration free during the third year for an 87% success rate.

The aggregate three-year recidivism rate is 22%.

Post Release Phase

Ten (10) platoons or approximately four hundred (400) individuals participate in the post release phase on a daily basis. During post release, individuals spend thirty (30) to forty-five (45) days on electronic monitoring, participate in job preparation classes, are assisted in securing employment, are aided in obtaining birth certificates and state identification and social security cards, receive additional academic instruction and substance abuse counseling if needed and submit to random drug tests.

Education

*Reading and math levels have risen 2.0 and 1.5 grades respectively for each platoon.

*The GED will be offered on site twelve (12) times this fiscal year. Approximately two hundred and forty (240) individuals will take the test.

*Four hundred and seven (407) participants have received their GED's.

*Computer training and basic industrial math courses available.

Counseling

Substance abuse counseling offered throughout the entire eighteen (18) week incarceration phase and eight (8) month post release phase.

Over five hundred and forty (540) participants have been referred to and have completed offsite substance abuse programs during the post release phase.

All participants receive formalized training in Skills for Managing Anger.

DUI/DWI therapeutic and educational program available.

Relocations

Thirty-six (36) individuals who completed the incarceration phase petitioned the court to relocate out of state. Relocations granted based upon pending employment and separation from previous undesirable environment.

Employment

Over eight hundred fifty (850) individuals have found meaningful employment following the incarceration phase.

The Mayor's Office of Workforce Development and the Chicago Federation of Labor have partnered with the Boot Camp in on-site job preparation training and the placement of eligible graduates into labor union related jobs.

Ten (10) individuals have been accepted into Job Corps.

Five (5) individuals have been accepted into the United States Marine Corps, three (3) in the United States Navy, two (2) in the United States Army, and one (1) in the United States Air Force.

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ATTACHMENT 5

State of Illinois
92nd General Assembly
Legislation

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92_HB5012

LRB9211210RCcdA

1 AN ACT in relation to criminal law.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Unified Code of Corrections is amended by
5 changing Section 5-8-4 as follows:

6 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)
7 Sec. 5-8-4. Concurrent and Consecutive Terms of
8 Imprisonment.

9 (a) When multiple sentences of imprisonment are imposed
10 on a defendant at the same time, or when a term of
11 imprisonment is imposed on a defendant who is already subject
12 to sentence in this State or in another state, or for a
13 sentence imposed by any district court of the United States,
14 the sentences shall run concurrently or consecutively as
15 determined by the court. When a term of imprisonment is
16 imposed on a defendant by an Illinois circuit court and the
17 defendant is subsequently sentenced to a term of imprisonment
18 by another state or by a district court of the United States,
19 the Illinois circuit court which imposed the sentence may
20 order that the Illinois sentence be made concurrent with the
21 sentence imposed by the other state or district court of the
22 United States. In such instance, the defendant must apply to
23 the circuit court within 30 days after the defendant's
24 sentence imposed by the other state or district of the United
25 States is finalized.

26 (b) ~~The court shall order multiple sentences that are~~
27 ~~imposed on a defendant at the same time to run consecutively.~~
28 ~~If the court shall not impose consecutive sentences for~~
29 ~~offenses which were committed as part of a single course of~~
30 ~~conduct during which there was no substantial change in the~~
31 ~~nature of the criminal objective, unless:~~

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1 (i) one of the offenses for which defendant was
2 convicted was first degree murder or a Class X or Class 1
3 felony and the defendant inflicted severe bodily injury,
4 or

5 (ii) the defendant was convicted of a violation of
6 Section 12-13, 12-14, or 12-14.1 of the Criminal Code of
7 1961, or

8 (iii) the defendant was convicted of armed violence
9 based upon the predicate offense of solicitation of
10 murder, solicitation of murder for hire, heinous battery,
11 aggravated battery of a senior citizen, criminal sexual
12 assault, a violation of subsection (g) of Section 5 of
13 the Cannabis Control Act, cannabis trafficking, a
14 violation of subsection (a) of Section 401 of the

15 Illinois Controlled Substances Act, controlled substance
 16 trafficking involving a Class X felony amount of
 17 controlled substance under Section 401 of the Illinois
 18 Controlled Substances Act, calculated criminal drug
 19 conspiracy, or streetgang criminal drug conspiracy,
 20 in which event the court shall enter sentences to run
 21 consecutively. Sentences shall run concurrently unless
 22 otherwise specified by the court.

23 (b-1) Except as provided in subsection (b), the court
 24 shall not impose consecutive sentences for offenses which
 25 were committed as part of a single course of conduct during
 26 which there was no substantial change in the nature of the
 27 criminal objective.

28 (b-2) Except as provided in subsection (b), the court
 29 shall not impose a consecutive sentences for offenses which
 30 were not committed as part of a single course of conduct
 31 sentence except as provided for in subsection (a) unless,
 32 having regard to the nature and circumstances of the offense
 33 and the history and character of the defendant, it is of the
 34 opinion that such a term is required to protect the public

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1 from further criminal conduct by the defendant, the basis for
 2 which the court shall set forth in the record, except that no
 3 such finding or opinion is required when multiple sentences
 4 of imprisonment are imposed on a defendant for offenses that
 5 were not committed as part of a single course of conduct
 6 during which there was no substantial change in the nature of
 7 the criminal objective, and one of the offenses for which the
 8 defendant was convicted was first degree murder or a Class X
 9 or Class 1 felony and the defendant inflicted severe bodily
 10 injury, or when the defendant was convicted of a violation of
 11 Section 12-13, 12-14, or 12-14.1 of the Criminal Code of
 12 1961, or where the defendant was convicted of armed violence
 13 based upon the predicate offense of solicitation of murder,
 14 solicitation of murder for hire, heinous battery, aggravated
 15 battery of a senior citizen, criminal sexual assault, a
 16 violation of subsection (g) of Section 5 of the Cannabis
 17 Control Act, cannabis trafficking, a violation of subsection
 18 (a) of Section 401 of the Illinois Controlled Substances Act,
 19 controlled substance trafficking involving a Class X felony
 20 amount of controlled substance under Section 401 of the
 21 Illinois Controlled Substances Act, calculated criminal drug
 22 conspiracy, or streetgang criminal drug conspiracy, in which
 23 event the Court shall enter sentences to run consecutively.

24 (b-3) Sentences shall run concurrently unless otherwise
 25 specified by the court.

26 (c) (1) For sentences imposed under law in effect prior
 27 to February 1, 1978 the aggregate maximum of consecutive
 28 sentences shall not exceed the maximum term authorized
 29 under Section 5-8-1 for the 2 most serious felonies
 30 involved. The aggregate minimum period of consecutive
 31 sentences shall not exceed the highest minimum term
 32 authorized under Section 5-8-1 for the 2 most serious
 33 felonies involved. When sentenced only for misdemeanors,
 34 a defendant shall not be consecutively sentenced to more

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1 than the maximum for one Class A misdemeanor.

2 (2) For sentences imposed under the law in effect
 3 on or after February 1, 1978, the aggregate of
 4 consecutive sentences for offenses that were committed as
 5 part of a single course of conduct during which there was
 6 no substantial change in the nature of the criminal
 7 objective shall not exceed the sum of the maximum terms
 8 authorized under Section 5-8-2 for the 2 most serious
 9 felonies involved, but no such limitation shall apply for
 10 offenses that were not committed as part of a single

11 course of conduct during which there was no substantial
 12 change in the nature of the criminal objective. When
 13 sentenced only for misdemeanors, a defendant shall not be
 14 consecutively sentenced to more than the maximum for one
 15 Class A misdemeanor.

16 (d) An offender serving a sentence for a misdemeanor who
 17 is convicted of a felony and sentenced to imprisonment shall
 18 be transferred to the Department of Corrections, and the
 19 misdemeanor sentence shall be merged in and run concurrently
 20 with the felony sentence.

21 (e) In determining the manner in which consecutive
 22 sentences of imprisonment, one or more of which is for a
 23 felony, will be served, the Department of Corrections shall
 24 treat the offender as though he had been committed for a
 25 single term with the following incidents:

26 (1) the maximum period of a term of imprisonment
 27 shall consist of the aggregate of the maximums of the
 28 imposed indeterminate terms, if any, plus the aggregate
 29 of the imposed determinate sentences for felonies plus
 30 the aggregate of the imposed determinate sentences for
 31 misdemeanors subject to paragraph (c) of this Section;

32 (2) the parole or mandatory supervised release term
 33 shall be as provided in paragraph (e) of Section 5-8-1 of
 34 this Code for the most serious of the offenses involved;

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1 (3) the minimum period of imprisonment shall be the
 2 aggregate of the minimum and determinate periods of
 3 imprisonment imposed by the court, subject to paragraph
 4 (c) of this Section; and

5 (4) the offender shall be awarded credit against
 6 the aggregate maximum term and the aggregate minimum term
 7 of imprisonment for all time served in an institution
 8 since the commission of the offense or offenses and as a
 9 consequence thereof at the rate specified in Section
 10 3-6-3 of this Code.

11 (f) A sentence of an offender committed to the
 12 Department of Corrections at the time of the commission of
 13 the offense shall be served consecutive to the sentence under
 14 which he is held by the Department of Corrections. However,
 15 in case such offender shall be sentenced to punishment by
 16 death, the sentence shall be executed at such time as the
 17 court may fix without regard to the sentence under which such
 18 offender may be held by the Department.

19 (g) A sentence under Section 3-6-4 for escape or
 20 attempted escape shall be served consecutive to the terms
 21 under which the offender is held by the Department of
 22 Corrections.

23 (h) If a person charged with a felony commits a separate
 24 felony while on pre-trial release or in pretrial detention in
 25 a county jail facility or county detention facility, the
 26 sentences imposed upon conviction of these felonies shall be
 27 served consecutively regardless of the order in which the
 28 judgments of conviction are entered.

29 (i) If a person admitted to bail following conviction of
 30 a felony commits a separate felony while free on bond or if a
 31 person detained in a county jail facility or county detention
 32 facility following conviction of a felony commits a separate
 33 felony while in detention, any sentence following conviction
 34 of the separate felony shall be consecutive to that of the

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1 original sentence for which the defendant was on bond or
 2 detained.

3 (Source: P.A. 91-144, eff. 1-1-00; 91-404, eff. 1-1-00;
 4 92-16, eff. 6-28-01.)

5 Section 99. Effective date. This Act takes effect upon

6 becoming law.

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